

Docket No. JM 7343-1  
Application No. 10/736,117  
Page 5

### REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.116, and in light of the remarks which follow, are respectfully requested.

Claim 1 has been amended to add the features of canceled claims 2, 5 and 9. Non-elected claim 12 has been amended to be dependent upon claim 1. Upon allowance of claim 1, it is requested that the non-elected method claims be rejoined with the elected claims. Claims 1, 3, 4, 6, 7 and 11-19 will be pending upon entry of this Amendment with claims 11-19 being withdrawn from consideration as directed to a non-elected invention.

Entry of these amendments would not raise a new issue since the Examiner has already considered patentability of the features in claims 2, 5 and 9 when issuing the Final Rejection.

Claims 1-7, 9 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,291,011 (Edlund) for the reasons given in paragraphs (7-8) of the Office Action mailed August 30, 2005. Claims 1-7, 9 and 11 also were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,759,116 (Edlund) for the reasons given in paragraphs (9-10) of the August 30, 2005 Official Action. Reconsideration and withdrawal of these rejections are respectfully requested in view of the above amendment and for at least the reasons which follow.

The Final Rejection in paragraph (2) states that Edlund '011 (and Edlund '116) discloses a warp yarn having 315 to 840 ends per meter which, upon conversion, equals 3.15 to 3.40 ends/cm. However, this is in connection with a warp yarn having a titer of 139-142 which is outside the range in claim 1. Note column 3, lines 1-2 of Edlund '011 and column 2, lines 45-47 of Edlund '116.

Docket No. JM 7343-1  
Application No. 10/736,117  
Page 6

Edlund '011 does disclose an alternative warp yarn having a titer of 34-68 tex with 680 ends per meter. Claim 1, as amended, now specifies a warp density of 2.5 to 5 threads/cm which is not disclosed in Edlund '011 or '116. Thus, neither Edlund '011 or '116 discloses a woven, patterned glass fiber textile having all the parameters set forth in the present claims.

For at least these reasons, the §102 rejection over Edlund '011 or Edlund '116 should be withdrawn. Such action is respectfully requested.

Claims 1-7, 9 and 11 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application Nos. 10/348,725 (claims 1-5); 10/460,287 (claims 1-12) and 10/736,119 (claims 1-10).

While not conceding the propriety of these rejections, Applicant is submitting herewith a Terminal Disclaimer to expedite prosecution. The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any

Docket No. JM 7343-1  
Application No. 10/736,117  
Page 7

questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

JOHNS MANVILLE

Date: April 19, 2006

By: Robert D. Touslee  
Robert D. Touslee  
Registration No. 34,032

P.O. Box 625005  
Littleton, CO 80162  
(303) 978-3927